

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Jeffrey Lamont Smith**

Docket No. **281251**

L.C. No. **02-048295-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Defendant has not satisfied MCR 6.502(G)(2). Setting aside the issue of whether he actually has “evidence”; appellant cannot satisfy the four-prong test for newly discovered evidence. In particular, defendant, if he had exercised due diligence, would have had the same information to include in his first motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 21 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk